Affirmative Procurement and IMPAC

AP and IMPAC

Overview

- Applicable Regulations
- Requirements from Regulations
- IMPAC Procedures
- Summary

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Applicable Regulations

- Resource Conservation and Recovery Act, Section 6002
  - Preference to products/practices
  - Requires an Affirmative Procurement program
  - SAFB Plan is approved

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Applicable Regulations

- Executive Order 13101
  - Revokes EO 12873
  - Expands on 12873

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Applicable Regulations

- EPA Comprehensive Procurement Guidelines
  - Used to formally designate items for AP program
  - Updated every 2 years/as appropriate
  - Product list/content available on Internet
  - CPG codified in Title 40, Part 247 of the CFR

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Applicable Regulations

- Other Regulations
  - AFI 32-7080
  - AF Engineering Technical Letter 94-7
  - FAR 23
  - DFARS 223.404(b)(3)

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Requirements

- Must have Affirmative Procurement program that meets the regulations' requirements
- Product on CPG for one year, DoD acquires over $10,000 worth the prior year, must purchase iaw EPA requirements
- Currently, no requirements for biobased products

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Requirements

- Exemptions
  - Not available competitively
  - Standards not met
  - Unreasonable price
  - Not available in time
  - Written determination required
    - Tech/Requirements personnel prepare
    - General, Flag Officer, or SES from requiring activity must sign; if none, commander must sign
    - **No written determination for Micropurchases**

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Specific IMPAC Procedures

1. Identify CPG Item
2. Market research
3. Exemption?
   - Yes- document
   - No- Buy recycled
4. Pre-priced contracts
5. Audits/Consequences

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Summary

- Each installation must have AP program
- All purchases of CPG items must comply unless exemption
- IMPAC purchases must meet guideline

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